

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2005-57-C – ORDER NO. 2005-434
AUGUST 18, 2005

IN RE: Joint Petition for Arbitration on behalf of)	ORDER GRANTING
NewSouth Communications, Corp., NuVox)	REQUEST TO MODIFY
Communications, Inc., KMC Telecom V,)	RULING IN ORDER NO.
Inc., KMC Telecom III, LLC and Xspedius)	2005-409
(Affiliates) of an Interconnection Agreement)	
with BellSouth Telecommunications, Inc.)	
Pursuant to Section 252(b) of the)	
Communications Act of 1934, as Amended.)	

This matter comes before the Public Service Commission of South Carolina (“Commission”) on the request of NewSouth Communications Corp., NuVox Communications, Inc., and Xspedius [Affiliates] (“Joint Petitioners”) for modification of the Commission’s ruling in Order No. 2005-409. The Joint Petitioners seek to modify the deadline set out in Order No. 2005-409 by which the parties in the present case must submit post-hearing briefs and/or proposed orders. The present docket was established for the arbitration of an interconnection agreement between the Joint Petitioners and BellSouth Telecommunications, Inc. (“BellSouth”).

The Commission issued Order No. 2005-409 on July 25, 2005, providing that “all parties shall have 30 days following the date on which the Hearing Officer rules on BellSouth’s Motion to Strike to file Post-Hearing Briefs and/or Proposed Orders in this

Docket.” By Order No. 2005-352,¹ the Commission appointed a Hearing Officer to dispose of procedural and evidentiary matters in this proceeding pursuant to S.C. Code Ann. Section 58-3-40 (Supp. 2004). On July 20, 2005, the Hearing Officer granted the Motion to Strike of BellSouth, and accordingly issued Order No. 2005-387, which provided that “...the proceedings will be reopened and the Joint Petitioners shall be given fifteen (15) days from the date of this order to prefile testimony and exhibits by witnesses of their choice... BellSouth may also file surrebuttal testimony and raise any objections that it feels are necessary to this testimony... After the parties have completed this process, they may request that the Commission reopen the hearing to receive new testimony on the issues previously addressed by Russell, if they so desire.” As a result of the rulings issued in Order No. 2005-387 and Order No. 2005-409, the parties would be required to file briefs and/or proposed orders on or before August 19, 2005.

By request filed by counsel for the Joint Petitioners on August 9, 2005, the Joint Petitioners seek to suspend the deadline of August 19, 2005, for post-hearing briefs and/or proposed orders. The Joint Petitioners state that this request is due to the fact that the record in this arbitration proceeding is not yet finalized. Additionally, the Joint Petitioners assert their information and belief that BellSouth does not object to the request.

The Commission finds the request of the Joint Petitioners reasonable, finds that the request will not unduly prejudice any party, and therefore grants the request to modify

¹ Order No. 2005-352, “Order Granting Substitution of Hearing Officer”, substituted the Hearing Officer previously appointed in this Docket by Order No. 2005-282.

Order No. 2005-409 to extend the date for filing post-hearing briefs and/or proposed orders.

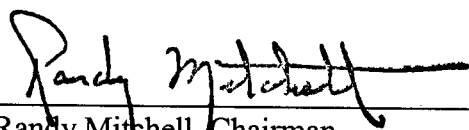
IT IS THEREFORE ORDERED THAT:

1. The request of NewSouth Communications, Corp., NuVox Communications, Inc. and Xspedius [Affiliates] for modification of Order No. 2005-409 to extend the deadline by which the parties are to submit post-hearing briefs and/or proposed orders is granted.

2. The deadline of August 19, 2005, to submit post-hearing briefs and/or proposed orders in the present proceeding is hereby suspended.


3. This Order shall remain in full force and effect until further order of the Commission.

BY ORDER OF THE COMMISSION:



Randy Mitchell, Chairman

ATTEST:



G. O'Neal Hamilton, Vice Chairman

(SEAL)